

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

17459US03

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on _____

Signature _____

Typed or printed name _____

Application Number

10/824,904

Filed

April 14, 2004

First Named Inventor

Lewis, et al.

Art Unit

2173

Examiner

Alvin H. Tan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/John A. Wiberg/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

John A. Wiberg

Typed or printed name

☒ attorney or agent of record.
Registration number 44,401

(312) 775-8000

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

July 23, 2009

Date

Registration number if acting under 37 CFR 1.34 _____

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 17459US03)

In the Application of:

Electronically Filed on July 23, 2009.

Michael C. Lewis, et al.

Serial No.: 10/824,904

Filed: April 14, 2004

For: METHOD AND SYSTEM FOR
REDUCING OVERFLOWS IN A
COMPUTER GRAPHICS SYSTEM

Examiner: Alvin H. Tan

Group Art Unit: 2173

Conf. No.: 7595

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on January 23, 2009. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

In the Office Action of January 23, 2009, claims 1, 13, 25, and 32-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,424,345 ("Smith") and U.S. Patent No. 6,191,800 ("Arenburg"). Claims 1, 13 and 25 indicate that the capacity of one or more of the bins is adjusted based on the ability of the system to process the primitives of a given bin in parallel. Applicant submits that neither Smith nor Arenburg teach this aspect of the present invention. Therefore, claims 1, 13, and 25, and claims 32, 33, 35, 36, 38, and 39 depending therefrom, are allowable over the tandem of Smith and Arenburg.

Claims 34, 37, and 40 include limitations directed to combining bins or portions of bins. On pages 4-5 of the Office Action, the Examiner asserts that Figures 3A and 3B of Arenburg show combining bins or portions of bins. The Examiner supports this assertion by saying Figure 3A shows three tiles and Figure 3B shows three tiles after their sizes have been adjusted. Applicant respectfully submits that adjusting the size of a tile or tiles is completely different than combining them. Applicant submits neither Smith nor Arenburg teach this aspect of claims 34, 37, and 40. Therefore, claims 34, 37, and 40, and claims 41-46 depending therefrom, are allowable over the tandem of Smith and Arenburg.

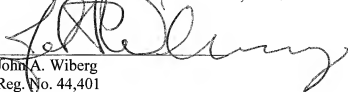
In view of the foregoing, Applicant respectfully requests allowance of claims 1, 13, 25 and 32-46.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: July 23, 2009

MCANDREWS, HELD & MALLOY, LTD.


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